

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

ROGER R. PERRY, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
v.                     ) Civil Action  
                        ) No. 08-3397-CV-S-RED-H  
MARTY C. ANDERSON, Warden, )  
United States Medical Center for )  
Federal Prisoners,         )  
                        )  
                        )  
Respondent.         )

**ORDER AND JUDGMENT**

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be granted in part, and that the respondent be directed to have petitioner reevaluated by a treating physician.

Respondent has had a full and fair opportunity to challenge the Magistrate's recommended findings of fact, conclusions of law, and proposed action, and, to-date, no objections have been filed. No further proceedings will therefore be required in this case.

Therefore, after a de novo review of the report and recommendation and the files and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner be, and he is hereby, granted leave to proceed in forma pauperis; and it is further

ADJUDGED that the respondent have the petitioner reevaluated by a treating physician. Thereafter, the Warden should reassess petitioner's request for a compassionate release, within his discretion, as deemed appropriate.

---

*/s/ Richard E. Dorr*  
RICHARD E. DORR  
United States District Judge

Date: April 28, 2009